

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2017-09

AN ORDINANCE AMENDING CHAPTER VIII OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING
THE BUILDING AND HOUSING CHAPTER, TO ESTABLISH STANDARDS FOR THE
ISSUANCE OF A CERTIFICATE OF HABITABILITY FOR RENTAL PROPERTIES

BE IT ORDAINED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey the following:

SECTION 1. 8-2 RENTAL HABITABILITY

8-2.1 Certificate of Habitability

No existing building or part thereof shall be rented or occupied by a new tenant until such time as a certificate of habitability shall have been issued under the terms of this section by the zoning official or his designee. The standard for determining habitability is based on the NJ Housing Code, Chapter 12A.

a. Residential rental properties. The owner of any residential rental property shall be required to obtain a certificate of habitability for each rental dwelling unit upon change in occupancy. A change in occupancy shall occur when the prior tenant(s) under an existing lease, either oral or written, vacates the property either voluntarily or by court order. Two (2) completed applications for the certificate of habitability shall be submitted to the township zoning department at least two (2) weeks prior to the new tenants occupying the unit. The zoning department shall provide one (1) copy of the application to the municipal clerk for filing, pursuant to N.J.S.A. 46:8-28, the New Jersey rental property certificate of registration requirements.

For the purposes of this section, any property occupied by the owner or family member(s) of the owner, defined to include a husband, wife, children, siblings or others related to the owner by blood or marriage, are hereby excluded from the provisions of this subsection as it applies to residential rental properties. In order for this exclusion to apply, the property owner must submit a notarized statement as to the relationship of the property owner to the occupant(s). The statement must include the following language: "This statement is submitted pursuant to Lafayette Township Revised Ordinance, subsection 8-2.1a and all representations made in this statement are true and accurate and are made under penalty of perjury in the event any statement contained herein is false."

Any property owner or occupant excluded from the certificate of habitability requirements provided for in the prior paragraph may request an inspection through the township zoning department.

1. An application consisting of all of the following shall be completed:

(a) A statement on a form supplied by the municipal clerk containing the following information:

(1) The name and address of the record owner or owners of the property and the record owner or owners of the rental business if not the same person. In the case of a partnership, the names of all general partners shall be provided.

(2) If the record owner is a corporation, the name and address of the registered agent and corporate officers.

(3) If the address of any record owner is not within Sussex County in which the premises are located, the name and address of a person who resides in Sussex County is authorized to accept notices from a tenant and to issue receipts and to accept service of process on behalf of the record owner.

(4) The name and address of the managing agent of the premises, if any.

(5) The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide maintenance services, if any.

(6) The name, address and telephone number of any individual representative of the record owner or managing agent that may be reached or contacted in the event of an emergency.

(7) The name and address of every holder of a recorded mortgage on the premises.

(8) If fuel oil is used to heat the building, and if the landlord furnishes the heat, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

(9) The telephone number of the owner(s), local agent, managing agent, superintendent, registered agent and officer(s), if any.

(10) The name of the person or persons to whom the unit is rented.

(11) The number of persons to occupy the area being rented.

(12) Such other information as the Township deems appropriate.

(b) Property owners shall provide to the municipal clerk any changes to the above information as they occur.

2. An application for a certificate of habitability that omits any of the items shall be incomplete.

3. The zoning official or his designee shall conduct the inspections.

4. Each dwelling unit in violation of this section shall be considered separately relative to this chapter.

5. If the owner of the property resides outside Sussex County, an in-County agent must be appointed to act on the owner's behalf and be responsible for complying with this section.

6. It is the obligation of the owner of the building to furnish the certificate of habitability to the person renting or leasing the home or building.

8-2.2 Fees

The fee for the certificate of habitability (rental) for a residential property with one (1) or more rental units shall be fifty (\$50.00) dollars. This fee will include one inspection and one reinspection, if necessary.

SECTION 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 4. This ordinance may be renumbered for codification purposes.

SECTION 5. This ordinance shall take effect after publication and passage according to law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on May 2, 2017 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on May 16, 2017.

Mayor:

Municipal Clerk: